

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35395 of 2014

Arising Out of PS.Case No. -678 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Ashim Pandey Son of Late Ganesh Pandey R/o Mohalla- Khushkibagh
Chauhan Tola, P.S.- Sadar, District- Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate.

For the Opposite Party/s : Mr. Ram Naresh Rai (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the parties including learned
counsel for the informant.

When this Court would find that the petitioner is facing
prosecution for offence under Sections 406/420 of the Indian Penal
Code as with regard to allegation of his not complying the terms and
conditions of an agreement with the informant wherein it is said that the
petitioner had retained certain money and had not supplied the bricks
for the amount advanced by the informant, this Court, keeping in view
that it is purely out and out a civil dispute and that the petitioner having
no criminal antecedent, would be inclined to grant privilege of
anticipatory bail to the petitioner.

That being so, if the petitioner namely Ashim Pandey,
surrenders within a period of four weeks from today, the court below
shall grant bail to the petitioner on furnishing bail bond of Rs. 10,000/-
with two sureties of the like amount each to the satisfaction of the
learned C.J.M. Purnea in connection with C.A. No. 678 of 2013, subject

to the following condition:

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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